

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

v.

Case No. 1:06MJ57

LUCIEN PEREZ,

Defendant.

ORDER/OPINION

On November 30, 2006, came the United States by David E. Godwin, its Assistant United States Attorney, and Lucien Perez (“Defendant”), in person and by his counsel, Brian J. Kornbrath, for a preliminary hearing on the criminal complaint filed against Defendant on November 22, 2006.

After determining Lucien Perez had received, read, and had the opportunity to review and discuss the charges contained in the criminal complaint with his counsel, the Court proceeded to hear evidence presented by the United States in the form of the sworn testimony of ATF Special Agent Heather Young, William Cook, and Morgantown City Police Officer Greg Knight.

Upon consideration of the evidence presented and in accord with the oral findings made by the Court on the record of the hearing, the Court finds there is probable cause to believe that, on or about November 21, 2006, in Monongalia County, in the Northern District of West Virginia, Defendant Lucien Perez did:

knowingly possess a firearm which had moved in interstate commerce, after having been convicted in court of a crime punishable by imprisonment for a term exceeding one year in violation of Title 18, United States Code, Section 922(g)(1).

It is therefore **ORDERED** that Lucien Perez be bound over for proceedings before a Grand Jury attending the United States District Court for the Northern District of West Virginia.

The Clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Probation Officer.

DATED this 8th day of December, 2006.

/s *John S. Kaul*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE